

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FELTON GRAY,

Plaintiff,

Civil No. 07-6087-AA

v.

ORDER

STATE OF OREGON, et al.,

Defendants.

AIKEN, District Judge.

Plaintiff's claims in this case were previously dismissed without prejudice. Plaintiff has now filed an Amended Complaint (#11) and request that the case be reinstated. Plaintiff's request is allowed. The Judgment of Dismissal (#5) is hereby withdrawn.

Plaintiff's Amended Complaint (#11) includes an application to proceed in forma pauperis. Plaintiff's Application is allowed for purposes of proceeding in forma pauperis in a habeas corpus only, as explained below. This order does not grant plaintiff *in forma pauperis* status for purposes of pursuing a 42 U.S.C. § 1983 claim. If plaintiff

seeks to bring a claim under 42 U.S.C. § 1983, a \$350 filing fee will be assessed pursuant to protocols established by the court under the Prison Litigation Reform Act.

Plaintiff's claim in this proceeding is that he was improperly assessed a compensatory fine as part of his sentence in a criminal case and is therefore properly construed as a claim for habeas corpus relief under 28 U.S.C. § 2254.

Plaintiff's complaint construed as a petition for habeas corpus relief does not comply with the requirement of Local Rule 295-1 (a) which requires that such petition be "legibly written or typewritten on forms supplied by the court." Accordingly, plaintiff is allowed 30 days to file a petition that complies with the requirements of LR 295-1 (a). The Clerk of the Court is directed to send plaintiff an appropriate form. Plaintiff is advised that failure to file a petition consistent with the terms of this order will result in the dismissal of this proceeding for failure to prosecute.

DATED this 6th day of March, 2008.

/S/ANN AIKEN

Ann Aiken

United States District Judge